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NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			NGUYEN, NAM V	
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DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/084,011		KACALEK ET AL.	
	Examiner		Art Unit	
	Nam V. Nguyen		2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21-28 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 21-28 and 31-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to applicant's Amendment which is filed November 9, 2005.

An amendment to the claims 1-3, 5, 15, 17, 19-22, 25 and 29-32 has been entered and made of record in the application of Kacalek et al. for a "wireless community alerting system" filed February 25, 2002.

Claims 19-20 and 29-30 are cancelled.

Claims 1-18, 21-28 and 31-33 are pending.

Response to Arguments

In view of applicant's amendment to amend the claim 17 to overcome the claim objection, therefore, examiner has withdrawn the objection to claim 17.

Applicant's amendments to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C § 103(a) as discussed below. Applicant's amendment and argument with respect to the pending claims 1-18, 21-28 and 31-33, filed November 9, 2005, have been fully considered but they are not persuasive for at least the following reasons.

On page 8, second and third paragraphs, Applicant's amendment to amend the limitations of claims 29 and 30 to incorporate into claims 17 and 1 and argued that claims 17 and 1 should be in condition for allowance.

The Office Action of August 9, 2005 found claim 30 to be allowable over the art of record. However, the limitations of claim 30 have not been incorporated into claims 17 or 1. Therefore, Claims 17 and 1 are not found to be allowable.

On page 1, third paragraph, Applicant's arguments with respect to the invention in Gotou did not teach or suggest that icons are individually associated with light sources on the face of the physical unit and arranged such that messages from the paging terminal determines which light source and directly associated icons are illuminated is not persuasive.

As defined by claims 1 and 17, Gotou discloses a control unit 2 is further comprised of a fixed-message icon memory 105 which stores a plurality of icons (here, five icons) having different shapes which are numbered in sequence. Preferably, each icon has a shape which is easily associated with a specific objective image or meaning such as place, building, or personality. From the view point of a user, however, abstract or geometrical shapes including circle, triangle, and rectangle may be useful because the user can assign desired meanings to them. Further, abstract shapes like these use a reduced amount of memory. In this embodiment, as an example, the icon #1 indicates "the user's friend A", the icon #2 indicates "the user's friend B", the icon #3 indicates "the office", the icon #4 indicates "the user's home" and so on. Needless to say, the reason why the respective icons #3 and #4 are determined as "the office" and "the user's home" is that these icons have a shape which is associated with a building (column 2 lines

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66 to column 3 line 15; see Figures 1 and 2). Clearly, Gotou discloses icons are individually associated with display image of light sources on a selective call receiver.

Furthermore, Gotou discloses that predetermined icons 201-205 are placed at predetermined positions of the LCD screen, corresponding to the icons #1-#5 stored in the fixed-message icon memory 105, respectively. Needless to say, a desired placement of the icons may be employed. Since the placement of the icons is predetermined, the displayed image is easier to understand. Alternatively, a fixed-message icon may be displayed at a predetermined place. As shown in FIG. 3B, when the selective calling number is identical to the ID number, according to the icon data following the icon shift code, the designated icon (here, the third icon #3) is selected and displayed on screen together with the main message. In this case, since the icon #3 is selected, the displayed main message "098-123-4567" is information regarding the office. In other words, the objective information "Office" and the concrete information "098-123-4567" are displayed as a single message on screen, resulting in reliable communication. From the displayed screen as shown in FIG. 3B, the user can know this call is associated with the office. However, the interpretation of the image on screen may be different depending on user's environment. For example, a user may interpret the message as "Call Office: 098-123-4567", another user may interpret it as "Called from Office. Call: 098-123-4567", or still another user may interpret it as "Matters Regarding Office. Call back: 098-123-4567". In any case, it is clear that the received message is associated with the office. Therefore, according to the present embodiment, only three characters, that is, the icon shift data and the icon data are used to display objective information on screen and tell it to the receiver with precision and reliability (column 3 line 47 to column 4 line 55; see Figures 2 to 4). Clearly, Gotou discloses the icons

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arranged such that messages from the paging terminal determine which light source and directly associated icons are illuminated in a non-prioritized basis.

On page 9, third paragraph, Applicant's arguments with respect to the invention in Gotou did not teach or suggest that selected ones of a plurality of visual signaling devices provide operational status of the electronic messaging system to a person observing a physical unit is not persuasive.

As defined by claims 15 and 25, Gotou discloses the control processor 102 outputs message data of the received data to a random access memory (RAM) 104. As will be described later, the message data includes an icon shift code which is used to select a specific icon. When the selective calling number is identical to the ID number as described before, the control processor 102 controls a driver 106 such that the speaker makes a beep or the vibrator generates vibration for notifying the user of the incoming call. When the user is aware of an incoming call through the alert device 4, the user manually operates a keypad (not shown) to stop the alert device 4 working. By the user pressing a function key of the keypad, the received message data is read from the RAM 104 and the message is displayed on screen with a fixed-message icon (column 2 line 36 to column 3 line 33; see Figures 1 to 4). Clearly, Gotou discloses light sources provide an indication of operating status of the selective call receiver.

Claim Objections

Claims 21-23 and 33 are objected to because of the following informalities: Claim 21 depends on claim 19 and claim 19 has been cancelled. It is suggested to change claim 21 depends on claim 17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-8, 11-12, 15, 17-21, 17/22, 18/22, 21/22, 25-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellebust et al. (US# 6,628,194) in view of Gotou (US# 6,020,828) and in further view of Laflin et al. (US# 5,705,995).

Referring to claims 1 and 17, Hellebust et al. disclose an electronic messaging system (i.e. a wireless network) (column 2 lines 30 to 48; see Figure 1) comprising:

(a) a monitoring center (109 or 110) (i.e. a private branch exchange or Telco company) for accepting alerts from authorized agencies (105 or 107-108) (i.e. telephone, a network server or a computer terminal) (column 2 lines 30 to 59; see Figure 1);

(b) at least one paging terminal (102) (i.e. a wireless network infrastructure) having the ability to broadcast a radio frequency carrier suitably modulated with information including addressing data and message data (i.e. classification information), said at least one paging terminal (102) (i.e. a wireless network infrastructure) adapted to receive paging instructions (i.e. rule) from said monitoring center (109 or 110) pertaining to an alert (column 2 line 60 to column 3 lines 35; see Figure 2);

(c) a plurality of physical units (101) (i.e. wireless devices) grouped on either a geographical or a logical basis using said addressing data, each including

(i) a receiver tuned to said carrier frequency, the receiver including a demodulator for recovering the addressing data and message data (column 3 lines 41 to column 4 line 12; see Figure 3).

However, Hellebust et al. did not explicitly disclose (c) a plurality of physical units grouped on either a geographical or a logical basis using said addressing data and each including:

(ii) a microprocessor coupled to receive the addressing data and message data, the microprocessor having a memory for storing a code list, (iii) a plurality of light sources controlled by the microprocessor, selected ones of the plurality of light sources being activated only when received addressing data matches an entry in said code list and (iv) a fixed icon associated with each of said plurality of light sources and which, when illuminated provides a non-lingual notification of one or more predetermined alerts.

In the same field of endeavor of a selective call receiver, Gotou teaches that a microprocessor (102) (i.e. a control processor) coupled to the receiver (1) (i.e. a radio system module) to receive the addressing data (i.e. calling number) and message data (i.e. message), the

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microprocessor (102) having a memory (105) for storing a code list (i.e. a fixed-message icon shift code) (column 2 line 36 to column 3 line 33), and

a plurality of visual signaling devices (3 and 4) (i.e. a LCD or alert device) controlled by the microprocessor (102), selected ones of the plurality of visual signaling devices (3 or 4) being activated only when received addressing data (i.e. calling number) matches an entry in said code list (i.e. fixed-message icon code) (column 2 line 66 to column 3 line 64; see Figures 1 to 4); and

a fixed icon (105) (i.e. a fixed message icon in memory) associated with each of said plurality of light sources (201 to 205) (i.e. LCD output of each icons) and which, when illuminated provides a non-lingual notification of one or more predetermined alerts (column 3 lines 46 to 64; see Figures 2 to 4) in order to obtain a reliable communication and to interpret with precision of a received message signal.

One of ordinary skilled in the art recognizes the need to have a selective call receiver includes a memory storing a plurality of icons which are associated with different pieces of objective information taught by Gotou in an incoming information received by a wireless devices of Hellebust et al. because Hellebust et al. suggest it is desired to provide that a wireless devices and system are configured to display the number of information alerts that are organized by specified criteria and rules (column 3 line 41 to column 4 line 32) and Gotou teaches that the selective call receiver alerts a user in a predetermined event when the received selective call signal address matches with a fixed-message icon shift codes in a memory that are associated with different pieces of objective information (column 2 line 66 to column 3 line 33) in order to increase reliable communication. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have a selective call receiver includes a

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memory storing a plurality of icons which are associated with different pieces of objective information taught by Gotou in an incoming information received by a wireless devices of Hellebust et al. with the motivation for doing so would have been to provide more reliable communication of a selective call receiver.

However, Hellebust et al. in view of Gotou did not explicitly disclose wherein the plurality of physical units can be grouped either on a geographical or a logical basis using said addressing data.

In the same field of endeavor of a selective call receiver, Laflin et al. teach that wherein the plurality of physical units (10 or 12) (i.e. pagers) can be grouped either on a geographical or a logical basis using said addressing data (36) (i.e. a header) (column 2 lines 32 to column 3 line 37; column 6 lines 8 to 55; see Figures 1-5) in order to generate an audible alert or visual stimulus that signifies the receipt of a message in the information services category.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have pagers can be grouped on a logical basis using said header taught by Laflin et al. in information alert of a selective call receiver of Hellebust et al. in view of Gotou because generating an alert that signifies the receipt of a message in the information services category would improve the reliable communication that has been shown to be desirable in the selective call receiver of Hellebust et al. in view of Gotou.

Referring to Claim 2, Hellebust et al. in view of Gotou and in further view of Laflin et al. disclose the electronic messaging system as in claim 1, Gotou discloses wherein the visual

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signaling devices (3) are selected from a group consisting of light-emitting diodes, liquid crystal displays, plasma displays and electro luminance displays (column 2 lines 36 to 48; see Figure 1).

Referring to Claim 3, Hellebust et al. in view of Gotou and in further view of Laflin et al. disclose the electronic messaging system as in claim 1, Gotou discloses wherein the visual signaling devices are liquid crystal displays (column 2 lines 36 to 48; see Figure 1).

Referring to Claim 4, Hellebust et al. in view of Gotou and in further view of Laflin et al. disclose the electronic messaging system as in claim 1, Hellebust et al. disclose wherein the physical unit (101) retains a historical log in said memory for past notifications received (column 3 lines 41 to 59; see Figure 3).

Referring to Claims 5, 18 and 21, Hellebust et al. in view of Gotou and in further view of Laflin et al. disclose the electronic messaging system as in claims 2 and 17, Gotou discloses further including icons (201 to 205) physically associated with predetermined ones of the plurality of signaling devices (3) for providing a non-lingual indication of the event that is the subject of the received data (column 3 lines 46 to 64; see Figures 2 to 4).

Referring to Claim 7, Hellebust et al. in view of Gotou and in further view of Laflin et al. disclose the electronic messaging system as in claim 2, Gotou discloses further including a alpha/numeric display (3) for receiving text messages (column 3 lines 46 to 64; see Figures 2 to 4).

Referring to Claims 8 and 22, Hellebust et al. in view of Gotou and in further view of Laflin et al. disclose the electronic messaging system as in claims 1 and 21, Gotou discloses further including an audible signaling device (4) (i.e. an beeper or speaker) controlled by the microprocessor (102) (column 2 lines 36 to 48; column 3 lines 22 to 33; see Figures 1-4)

Referring to Claim 11, Hellebust et al. in view of Gotou and in further view of Laflin et al. disclose the electronic messaging system as in claim 8, Gotou discloses wherein the microprocessor (102) includes a memory (105) for storing a code list (i.e. a fixed-message icon shift code) to which a given physical unit (i.e. a radio selective calling receiver) will respond when data from the paging terminal matches an entry in said code list (column 2 line 36 to column 3 line 33).

Referring to Claim 12, Hellebust et al. in view of Gotou and in further view of Laflin et al. disclose the electronic messaging system as in claim 11, Hellebust et al. disclose wherein the microprocessor is programmed to respond in a way dependent upon which entry in the code list is matched to selectively activate said visual and audible signaling devices (column 3 lines 25 to 35; see Figures 2 and 3).

Referring to Claims 15 and 25, Hellebust et al. in view of Gotou and in further view of Laflin et al. disclose the electronic messaging system as in claims 5 and 17, Gotou discloses wherein selected ones of the plurality of light sources (3) (i.e. LCD display) provide operational

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status (i.e. output of message data with a message is displayed on screen) of the electronic messaging system to a person observing a physical unit (i.e. a radio selective calling receiver) (column 2 lines 36 to 65; column 3 lines 46 to 64; see Figures 1-4).

Referring to Claim 26, Hellebust et al. in view of Gotou and in further view of Laflin et al. disclose the electronic messaging system as in claim 17, Hellebust et al. disclose wherein the monitoring center (109 or 110) is coupled through one of a public switched telephone network (103) and a data network (104) to the paging terminal (102) (column 2 lines 30 to 59; see Figure 1).

Referring to Claim 28, Hellebust et al. in view of Gotou and in further view of Laflin et al. disclose the electronic messaging system as in claim 17, Laflin et al. disclose wherein the end to end system tests and alerts may be performed on an individual, group, or global basis (column 2 lines 32 to column 3 line 37; column 6 lines 8 to 55; see Figures 1-5).

Claims 9-10 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellebust et al. (US# 6,628,194) in view of Gotou (US# 6,020,828) and in further view of Laflin et al. (US# 5,705,995) as applied to Claim 1, and in further view of Okayama et al. (US# 6,157,316).

Referring to Claims 9-10, Hellebust et al. in view of Gotou and Laflin et al. disclose the electronic messaging system as in claim 1, however, Hellebust et al. in view of Gotou did not

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explicitly disclose further including an AC power source and having a DC battery backup in event of an AC power failure and polarity insensitive.

In the same field of endeavor of a selective call receiver, Okayama et al. teach that an AC power source (12) and having a DC battery backup (29) in event of an AC power (12) failure and polarity insensitive (column 3 lines 66 to column 4 line 15; column 6 line 9 to column 56; column 8 lines 3 to 17; see Figures 4-7) in order to power the receiver for more convenient to use.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use a DC battery backup to power the receiver of Okayama et al. in information alert of a selective call receiver of Hellebust et al. in view of Gotou and Laflin et al. because using a battery backup would improve the reliable communication that has been shown to be desirable in the selective call receiver of Hellebust et al. in view of Gotou and Laflin et al.

Referring to Claim 33, Hellebust et al. in view of Gotou and Laflin et al. disclose the electronic messaging system as in claim 22, Okayama et al. disclose wherein the audible alarm can operate in a plurality of modes (i.e. a audible alarm and silent alarm mode) (column 5 lines 11 to 18; see Figure 6).

Claims 6, 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellebust et al. (US# 6,628,194) in view of Gotou (US# 6,020,828) and in further view of Laflin et al. (US# 5,705,995) as applied to Claim 17, and in further view of Tribbey et al. (US# 5,369,399).

Referring to Claim 27, Hellebust et al. in view of Gotou and Laflin et al. disclose the electronic messaging system as in claim 17, however, Hellebust et al. in view of Gotou and Laflin et al. did not explicitly disclose wherein message data includes a test code for causing one of the plurality of visual signaling devices of the physical unit to be activated when the paging terminal and the receiver, the microprocessor and the visual signaling devices are operational.

In the same field of endeavor of a selective call receiver, Tribbey et al. teach that message data includes a test code (i.e. a test signal) for causing one of the plurality of visual signaling devices (118) (i.e. a display) of the physical unit (100) (i.e. a pager) to be activated when the paging terminal and the receiver, the microprocessor (114) (i.e. a microcomputer decoder) and the visual signaling devices (118) are operational (column 11 line 49 to column 12 line 12; see Figures 1-2 and 12) in order to alert a potential defect in a manufacturing process before the final product is delivered to the customer.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need for message data includes a test code for causing one of the plurality of visual signaling devices of the physical unit to be activated of Tribbey et al. in information alert of a selective call receiver of Hellebust et al. in view of Gotou and Laflin et al. because a test code would improve the reliable communication that has been shown to be desirable in the selective call receiver of Hellebust et al. in view of Gotou and Laflin et al.

Referring to Claim 31, Hellebust et al. in view of Gotou and Laflin et al. disclose the electronic messaging system as in claim 17, Tribbey et al. disclose wherein the plurality of visual

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indicating devices (118) are each capable of operating in at least three distinct modes (i.e. variety of modes) (column 4 lines 26 to 35).

Referring to Claim 6, Hellebust et al. in view of Gotou and Laflin et al. disclose the electronic messaging system as in claim 2, Tribbey et al. disclose further including an auxiliary jack (120) (i.e. a code plug) to enable the use of remote attention getting devices (column 4 line 36 to 59; see Figure 1).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hellebust et al. (US# 6,628,194) in view of Gotou (US# 6,020,828) and in further view of Laflin et al. (US# 5,705,995) as applied to Claim 22, and in further view of Sakoh et al. (US# 4,796,024).

Referring to Claim 23, Hellebust et al. in view of Gotou and Laflin et al. disclose the electronic messaging system as in claim 22, however, Hellebust et al. in view of Gotou and Laflin et al. did not explicitly disclose further including a manually operated switch coupled to the microprocessor for selectively extinguishing the audible alarm and predetermined ones of the visual indicating devices.

In the same field of endeavor of a selective call receiver, Sakoh et al. teach that a manually operated switch (11) (i.e. a reset switch) coupled to the microprocessor (6) (i.e. a indicator control circuit) for selectively extinguishing the audible alarm (8) and predetermined ones of the visual indicating devices (9) (column 3 lines 6 to 68; see Figure 1) in order to stopped instantly and to clear the memory.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use a manually operated reset switch of Sakoh et al. in information alert of a selective call receiver of Hellebust et al. in view of Gotou and Laflin et al. because using a reset switch would improve the reliable communication that has been shown to be desirable in the selective call receiver of Hellebust et al. in view of Gotou and Laflin et al.

Claims 13-14, 16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellebust et al. (US# 6,628,194) in view of Gotou (US# 6,020,828) and in further view of Laflin et al. (US# 5,705,995) as applied to Claims 6 and 17, and in further view of Dulaney et al. (US# 5,012,234).

Referring to Claims 13, 16 and 32, Hellebust et al. in view of Gotou and Laflin et al. disclose the electronic messaging system as in claims 6, 5 and 17, however, Hellebust et al. in view of Gotou did not explicitly disclose wherein status of the plurality of visual and audible indicating devices may be changed remotely from the monitoring center.

In the same field of endeavor of a selective call receiver, Dulaney et al. teach that wherein status of the plurality of visual and audible indicating devices (80 and 84) may be changed remotely from the monitoring center (20) (i.e. a terminal apparatus) (column 3 lines 40 to column 4 line 21; column 5 line 58 to column 6 line 60; see Figures 1-3) in order to reconfigure memory.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to change remotely from the terminal apparatus of Dulaney et al. in information alert of a

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selective call receiver of Hellebust et al. in view of Gotou and Laflin et al. because change the status audible indicating device remotely would improve the reliable communication that has been shown to be desirable in the selective call receiver of Hellebust et al. in view of Gotou and Laflin et al.

Referring to Claim 14, Hellebust et al. in view of Gotou and Laflin et al. disclose the electronic messaging system as in claim 12, Dulaney et al. disclose a manual operable end user interface switch (82) (i.e. a switch means) which, when actuated, sends a signal to the microprocessor (58) for deactivating those signaling devices (80 and 84) which the microprocessor (58) allows to be end user deactivated (column 5 lines 39 to 57; column 6 line 61 to column 7 line 45; see Figures 3-4).

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hellebust et al. (US# 6,628,194) in view of Gotou (US# 6,020,828) and in further view of Laflin et al. (US# 5,705,995) as applied to Claim 12, and in further view of Davis (US# 5,193,216).

Referring to Claim 24, Hellebust et al. in view of Gotou and Laflin et al. disclose the electronic messaging system as in claim 12, however, Hellebust et al. in view of Gotou and Laflin et al. did not explicitly disclose wherein the addressing data includes a cap code associated with a carrier frequency to which a physical unit may be tuned.

In the same field of endeavor of a selective call receiver, Davis teaches that the addressing data includes a cap code (82) (i.e. synchronized code) associated with a carrier

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frequency to which a physical unit (i.e. a selective call receiver) may be tuned (column 4 line 17 to column 5 line 19; see Figure 4) in order to receive an important message reliably.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to turn to a carrier frequency at a predetermined frame synchronization of Davis in information alert of a selective call receiver of Hellebust et al. in view of Gotou and Laflin et al. because tuning to a carrier frequency with a synchronized code would improve the reliable communication that has been shown to be desirable in the selective call receiver of Hellebust et al. in view of Gotou and Laflin et al.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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